

THE COMMONWEALTH OF MASSACHUSETTS
ONE ASHBURTON PLACE
BOSTON, MASSACHUSETTS 02108



December 2, 2013

The Honorable Barbara A. Mikulski
United States Senate
Chairwoman, Senate Appropriations Committee
Washington, D.C. 20510

RE: Emergency Fisheries Disaster Assistance

Dear Chairwoman Mikulski,

We are writing to you today to express our appreciation for your efforts to preserve the New England fishing industry through your leadership on the Senate Appropriations Committee. We urge you to continue in these efforts as Congress considers the final funding package for Fiscal Year 2014 by advocating for the appropriation of fisheries disaster relief assistance as proposed by Massachusetts Senator Elizabeth Warren and included in the Senate Appropriations bill voted on July 18, 2013.

As you may be aware, Massachusetts' fishing industry is currently facing the worst crisis in its four-hundred year history. Earlier this year, the Department of Commerce, at the direction of the National Oceanic and Atmospheric Administration (NOAA) and the National Marine Fisheries Service (NMFS), issued regulations slashing catch allotments for Gulf of Maine cod by a minimum of 78 percent. This decision and the fish assessments on which it was based followed benchmark assessments in recent years that indicated that cod stocks were in fact rebuilding. While the debate continues about the efficacy of the catch share system and the veracity of the science upon which NOAA based its recommendation to Commerce, the impact that the cut is expected to have on the Massachusetts fishing fleet is not in doubt. Many small businesses will not survive the reduction and many fishing families are facing financial ruin. If we continue on this path, fishing as we know it in Massachusetts will cease to exist.


The regulations that NOAA has imposed are not only harsh, but unlawful under the Magnuson-Stevens Act due to NOAA's failure to employ the best science available and its failure to consider and implement appropriate mitigation of the regulations' economic impact. The Commonwealth of Massachusetts filed suit in federal court in May, challenging Frameworks 48 and 50 of the Northeast multi-species groundfish fishery management plan. The state of New Hampshire's motion to intervene on behalf of its fishermen was granted by the court. Furthermore, we understand that the Rhode Island Attorney General also intends to file an amicus brief in support of our challenge.

While we firmly believe in the merits of our lawsuit, we are nonetheless concerned that the pace of litigation takes time that the New England fishing fleet cannot afford. Our fishing industry is in crisis. We seek the assistance of Congress in navigating this crisis to ensure that we are doing all we can to sustain the viability of the fishing industry in Massachusetts and New England. The disaster relief funding included in the Senate Appropriations bill is critical to that effort.

Additionally, we continue to advocate for retaining a strong local NOAA service office. At this juncture, our fishermen need every opportunity to resolve issues while maximizing their ability to fish. A local office is a critical resource.

Thank you for your consideration. We remain available to you and your staff to discuss this in further detail at your convenience.

Cordially,



Martha Coakley
Massachusetts Attorney General



Ann-Margaret Ferrante
State Representative

Cc: The Honorable Elizabeth Warren, U.S. Senator
The Honorable Edward Markey, U.S. Senator
The Honorable Deval Patrick, Governor
The Honorable Therese Murray, President, Massachusetts Senate
The Honorable Robert DeLeo, Speaker, Massachusetts House of Representatives
The Honorable Richard Neal, U.S. Representative
The Honorable Michael Capuano, U.S. Representative
The Honorable William Keating, U.S. Representative
The Honorable Joseph Kennedy III, U.S. Representative
The Honorable Stephen Lynch, U.S. Representative
The Honorable James McGovern, U.S. Representative
The Honorable John Tierney, U.S. Representative
The Honorable Niki Tsongas, U.S. Representative